

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

AMANDA MAURISSA WAINE ANDERSON,

Plaintiff,

v.

**CONFEDERATED TRIBES
UMATILLA INDIAN
RESERVATION,**

Defendant.

No. 2:19-cv-00223-YY

OPINION AND ORDER

MOSMAN, J.,

On August 6, 2019, Magistrate Judge Youlee Yim You issued her Findings and Recommendation (“F&R”) [12], recommending GRANTING Defendant Confederated Tribes Umatilla Indian Reservation’s (Confederated Tribes) Motion [8] to Dismiss the claims against it for lack of subject matter jurisdiction. Neither party filed objections.¹

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or

¹ Plaintiff Amanda Anderson filed a Motion [21] for an extension of time. Because review of the Motion revealed that granting additional time for objections would not assist in my review of the F&R, I denied Ms. Anderson’s Motion. [23].

recommendations as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny with which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).


Upon careful review, I agree with Judge You's recommendations and ADOPT the Amended Findings and Recommendation [12] as my own opinion.

CONCLUSION

The Confederated Tribes' Motion [8] to Dismiss for lack of subject matter jurisdiction is GRANTED, and the claims against the Confederated tribes are dismissed with prejudice.

IT IS SO ORDERED.

DATED this 29 day of September, 2019.


MICHAEL W. MOSMAN
Chief United States District Judge